

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA for the
use and benefit of KELLEY'S
UNDERGROUND CONSTRUCTION
INC., a California corporation,

Plaintiff,

v.

MIRACLE ONE BUILDERS, INC., a
California corporation, *et al.*,

Defendants.

Case No. 1:22-cv-01338-EPG

ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE IN LIGHT OF PLAINTIFF'S
NOTICE OF VOLUNTARY DISMISSAL

(ECF No. 6).

This matter is before the Court on Plaintiff's notice of voluntary dismissal with prejudice (ECF No. 6), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendants have not filed an answer or motion for summary judgment. In light of the voluntary dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i), and has been dismissed with prejudice. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

Accordingly, the Clerk of Court is respectfully directed to close the case.
IT IS SO ORDERED.

Dated: January 20, 2023

/s/ Eric P. Shoup
UNITED STATES MAGISTRATE JUDGE